

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 07 June 2001 (07.06.01)	Applicant's or agent's file reference HF/2 -22105/PCT /A
International application No. PCT/EP00/09393	Priority date (day/month/year) 05 October 1999 (05.10.99)
International filing date (day/month/year) 26 September 2000 (26.09.00)	
Applicant KVITA, Petr et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 27 March 2001 (27.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Date of mailing (day/month/year) 04 mars 2002 (04.03.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference HF/2 -22105/PCT /A	
International application No. PCT/EP00/09393	International filing date (day/month/year) 26 septembre 2000 (26.09.00)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address GORETZKI, Ralf Berliner Allee 22B 86153 Augsburg Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address GORETZKI, Ralf Kornstrasse 9a 86391 Stadtbergen Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ki-Nam HA
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

WO 01/25380
PCT/EP00/09393

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PCT

NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Ressort P	TM	SI	LE 5
19 April 2001			
PATA	PAT	SES	
V	L	MU	

Date of mailing (day/month/year) 12 April 2001 (12.04.01)		IMPORTANT NOTICE <i>llw</i>	
Applicant's or agent's file reference HF/2 -22105/PCT /A			
International application No. PCT/EP00/09393	International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 05 October 1999 (05.10.99)	
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al <i>L=EP/PA</i>			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU,KP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
AE,AG,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,BZ,CA,CH,CN,CR,CU,CZ,DE,DK,DM,DZ,EA,EE,EP,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,JP,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,OA,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU.
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).
3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 12 April 2001 (12.04.01) under No. WO 01/25380

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

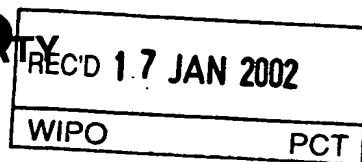
Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colmbettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer J. Zahra Telephone No. (41-22) 338.83.38
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HF/2-22105/PCT/A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/09393	International filing date (day/month/year) 26/09/2000	Priority date (day/month/year) 05/10/1999
International Patent Classification (IPC) or national classification and IPC C11D3/37		
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27/03/2001	Date of completion of this report 15.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epnu d Fax: +49 89 2399 - 4465	Authorized officer Pfannenstein, H Telephone No. +49 89 2399 8217



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09393

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-36 as originally filed

Claims, No.:

1-20 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP00/09393

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-14,16-20 partially.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	4-5,7,17,20
	No:	Claims	1-3, 6,8-14,16,18-19
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14,16-20
Industrial applicability (IA)	Yes:	Claims	1-14,16-20
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP00/09393**

2. Citations and explanations
see separate sheet

Re Item IV

Compounds A, B and C are as defined in claim 1 of the present application.

Claim 1 of the present application appears to be known from US-A-5830843 (D1) (examples, col.19). D1 describes a method of use of fabric softening compositions in domestic applications for improved abrasion resistance of fabrics whereby these compositions are aqueous and comprise A) a quaternary ammonium compound, B) polyethylene and C) a silicone anti foam, probably dispersed dimethylpolysiloxanes.

GB-A-2281316 (D2) also describes a method of use of fabric softening compositions in domestic applications for improved abrasion resistance of fabrics whereby these compositions are aqueous and comprise A) a quaternary ammonium compound, and B) polyethylene.

Furthermore, EP-A-397245 (example XVIII) and EP-A-150872 (page 18) exemplifies softener compositions comprising A, B and C.

The single general inventive concept of present claim 1 is therefore known.

There are, therefore, at least four (4) different groups of inventions according to the four quite different compounds B according to claim 1.

- 1) A + C + polyethylene (B1)
- 2) A + C + fatty acid alkanolamide (B2)
- 3) A + C + polysilicic acid (B3)
- 4) A + C + polyurethane (B4)

It should also be taken into account that there are four different compounds C according to claim 1, and the softening agents may be also many quite different compounds (from the quaternary ammonium compound to mineral oil) according to the description.

(In the examples of the application one softener type and B1 or B2 are used.)

Re item V

- 1) The examination relates to the first group as described above comprising A, B1 and C.
- 2) Reference is made to the following documents:
D1 US-A-5830843
D2 GB-A-2281316
D3 EP-A-459822
- 3) D1 (examples, col.19) describes a method of use of a composition for enhancing abrasion resistance of fabrics. Said aqueous compositions comprise quaternary ammonium compounds, polyethylene and siloxane anti foam which usually comprises dispersed polydimethylsiloxanes. Thus, it is not clear if the present claims and D1 are really different. The subject-matter of claims 1-3, 6,8-14,16,18-19 is, therefore, not novel (Articles 33(2) PCT).

If novelty can be demonstrated no inventive step can be acknowledged.
The treated fabrics in D1 already show enhanced abrasion resistance of fabrics.
The problem of the present application is, therefore, to find an alternative.
The use of dispersed polysiloxanes in softener compositions is known, see e.g. D3 (claims, examples). An effect over D1 has not been demonstrated. Thus, the subject-matter of the claims is not inventive (Article 33(3) PCT).

- 4) D2 (claims, page 12) describes a method of use of a composition for enhancing abrasion resistance of fabrics. Said aqueous compositions comprise quaternary ammonium compounds and polyethylene. Claim 1 differs from D2 in that claim 1 additionally comprises dispersed polysiloxanes.
The treated fabrics in D2 already show enhanced abrasion resistance of fabrics.
The problem of the present application is, therefore, to find an alternative.
The use of dispersed polysiloxanes in softener compositions is known, see e.g. D3 (claims, examples). An effect over D2 has not been demonstrated. Thus, the subject-matter of the claims is not inventive.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/09393

- 5) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the above cited documents is not mentioned in the description, nor are these documents identified therein.
- 6) According to page 6 the dispersed polyorganosiloxanes need an emulsifier which is essential to the definition of the invention.
Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.
- 7) There is an inconsistency between the claims and the description:
According to claim 1 the polysiloxanes are dispersed whereas at page 6, par.7 they are usually dispersed
According to claim 1 the polyorganosiloxanes do not appear to be anionic at page 6, par.6 they are also anionic.
At page 18 there are hydrocarbon fabric softeners whereas in claim 1 there are fabric softeners.
- 8) The curing step in textile treatment compositions usually takes several minutes and not several hours as mentioned at the bridging sentence of pages 1-2
- 9) There are doubts if all the formulas at pages 16-17 really are fatty alkanolamides since the alkanol is not always situated at the nitrogen of the amide.
- 10) The SI units should be added at pages 23-24 (Rule 10.1 PCT).